

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOSHUA MELLO and RACHEL WARE,
Plaintiffs,

vs.

DEREK GUSTAFSON, TIMOTHY VESEY,
STEVEN CATALANO, JOHN ROCCHIO and
EDWARD ARRUDA

Defendants

C.A. No. 1:23-cv-00480-JJM-LDA;
1:23-cv-00479-JJM-LDA

**DEFENDANTS' OBJECTION TO PLAINTIFFS' MOTION
FOR COURT-ORDERED MEDIATION**

Now come the Defendants, Edward Arruda (“Defendant Arruda”) and John Rocchio (“Defendant Rocchio”) (collectively hereinafter “Defendants”) and hereby object to Plaintiffs, Joshua Mello’s (“Plaintiff Mello”) and Rachel Ware’s (Plaintiff Ware”)(collectively hereinafter “Plaintiffs) Motion for Court-Ordered Mediation.

Plaintiffs’ claims in the instant Complaints relate to Plaintiff Mello’s allegations of excessive force used against him, and Plaintiff Ware’s allegations that she is a whistleblower, and not their accusations, which include “retaliation,” and “defamation” that the Plaintiffs base their motion on. Moreover, the parties are in the middle of discovery, with Factual Discovery closing on January 6, 2025.¹ With the information exchanged thus far, such as video footage of the incident alleged in the Plaintiffs’ Complaints, Defendants respectfully have no intention on settling the instant lawsuits. In addition to the two (2) instant lawsuits before this Court, Plaintiff Mello has filed two (2) other lawsuits against the City of Cranston, Cranston Police Department,

¹ Since there is still outstanding discovery owed to both parties, including documents Defendants requested that relate to the Plaintiffs emotional, physical, and financial damages, and Plaintiffs still have a pending motion related to propounding an additional one hundred and fifty (150)

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Cranston School Department, employees of Cranston Police Department, and employees of Cranston School Department regarding the incident alleged in Plaintiffs' Complaint, the most recent lawsuit was served to Cranston Police Department and Cranston School Department earlier this month. As a result, Defendants respectfully are not willing to participate in mediation and are preparing the instant lawsuits for trial.

WHEREFORE, Defendants respectfully request that this Court deny Plaintiffs' Motion for Court-Ordered Mediation.

Defendants
Edward Arruda and John Rocchio
By their Attorney,

/s/ Julia K. Scott- Benevides
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additional interrogatories to Defendants, an additional extension to factual discovery is likely necessary.

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CERTIFICATION

I hereby certify that the within document has been emailed on the 25th day of November 2024, and is available for viewing and downloading from the ECF system.

I further certify that a true and accurate copy of the within was emailed and mailed, postage prepaid, to:

Joshua Mello
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Rachel Ware
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/s/ Julia K. Scott- Benevides
